

AO 91 (Rev. 08/09) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the  
Southern District of Texas~~United States District Court~~  
Southern District of Texas  
FILED

MAY 19 2015

David J. Bradley, Clerk

United States of America  
V.  
Francisco FERNANDEZ-Fonseca  
YOB:1970 POB: Mexico &  
Maria CRUZ-Hernandez  
YOB:1972 POB: MexicoCase No. *M-15-0796-M*

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 17, 2015 in the county of Hidalgo in the  
Southern District of Texas, the defendant(s) violated:

## Code Section

8 U.S.C. § 1324 (1)(A)(iii)

## Offense Description

Knowing and in reckless disregard of the fact that Mauro GONZALEZ-Soto, Rigoberto Hererra-Coronel and Nolvía Salguero-Gamez, who were aliens who had come to, entered and remained in the United States in violation of law; conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield, from detection, such aliens, in any place, including any building or any means of transportation; to wit in a house in Pharr, Texas.

This criminal complaint is based on these facts:

On May 17, 2015, the Pharr, Texas Police Department (PD) requested assistance from Homeland Security Investigations (HSI) McAllen, Texas regarding a possible alien smuggling investigation.

SEE ATTACHMENT "A"

✓ Continued on the attached sheet.

  
Complainant's signatureChristopher Villarreal, U.S., HSI Special Agent  
Printed name and titleApproved by: *Leo J. Leo, IV*  
*AUSA*

Sworn to before me and signed in my presence.

Date: 5/19/2015*8:50 a.m.*  
Judge's signatureCity and state: McAllen, TexasU.S. Magistrate Judge Peter Ormsby  
Printed name and title

**Attachment "A"**

On May 17, 2015, the Pharr, Texas Police Department (PD) requested assistance from Homeland Security Investigations (HSI) McAllen, Texas regarding a possible alien smuggling investigation. Pharr PD investigator R. Quintanilla informed HSI McAllen Special Agents (SA) of information received from an individual claiming his wife was being harbored by and alien smuggling organization (ASO) and the ASO would not release her until he paid them additional smuggling fees. The Pharr PD investigation resulted in the apprehension of five undocumented aliens (UDAs). Two of the UDAs, Francisco FERNANDEZ-Fonseca and his wife Maria CRUZ-Hernandez are suspected of being in charge of transporting and harboring the other three UDAs. HSI McAllen responded to Pharr PD to interview the individuals involved.

HSI SA C. Villarreal and Pharr PD investigator R. Pequeno interviewed FERNANDEZ-Fonseca. FERNANDEZ-Fonseca waived his Miranda rights in writing but refused to provide any information pertinent to the investigation.

HSI SA C. Villarreal and Pharr PD investigator R. Pequeno interviewed CRUZ-Hernandez. CRUZ-Hernandez waived her Miranda rights and agreed to speak to the agents regarding the alien smuggling event. CRUZ-Hernandez stated she and her husband, FERNANDEZ-Fonseca, transported and harbored UDAs for an individual in Mexico known as "GRANDE". CRUZ-Hernandez stated they have been working for an ASO for several months and are paid \$75.00 for every UDA they harbor at their residence in Pharr, Texas. CRUZ-Hernandez admitted she provided the UDAs with food twice a day and occasionally received payment for the transport of UDAs in the Rio Grande Valley area.

HSI Special Agents interviewed Mauro GONZALEZ-Soto. GONZALEZ-Soto, a citizen and national of Mexico who did not have permission to be in the United States, identified Francisco FERNANDEZ-Fonseca who he knew as "PANCHO" and his wife Maria CRUZ-Hernandez in a Department of Homeland Security (DHS) photo lineup. He stated FERNANDEZ-Fonseca and his wife were in charge of the residence where he was harbored after crossing into the United States. GONZALEZ-Soto both FERNANDEZ-Fonseca and CRUZ-Hernandez provided food for the UDAs food to eat. GONZALEZ-Soto further stated FERNANDEZ-Fonseca instructed him which room to stay in and not to make noise while staying in the house. GONZALEZ-Soto stated FERNANDEZ-Fonseca purchased him clothes and allowed he and the other UDA's staying there to call their families.

HSI Special Agents interviewed Rigoberto HERERRA-Coronel. HERERRA-Coronel, a citizen and national of Mexico who did not have permission to be in the United States, identified Francisco FERNANDEZ-Fonseca who he knew as "PANCHO" and his wife Maria CRUZ-Hernandez in a

Department of Homeland Security (DHS) photo lineup. He stated FERNANDEZ-Fonseca and CRUZ-Hernandez transported him from an area close to the Rio Grande river to their house where he was harbored. He stated both FERNANDEZ-Fonseca and CRUZ-Hernandez provided food for the UDAs to eat. He also stated CRUZ-Hernandez cooked for the UDAs while at the house.

HSI Special Agents interviewed Nolvía SALGUERO-Gamez. SALGUERO-Gamez a citizen and national of Honduras who did not have permission to be in the United States identified Francisco FERNANDEZ-Fonseca who she knew as "PANCHO" and his wife Maria CRUZ-Hernandez in a Department of Homeland Security (DHS) photo lineup. She stated FERNANDEZ-Fonseca and CRUZ-Hernandez transported her from a restaurant in McAllen, Texas to their residence in Pharr, Texas. SALGUERO-Gamez stated both FERNANDEZ-Fonseca and CRUZ-Hernandez provided food for the UDAs to eat. She also stated CRUZ-Hernandez cooked for the UDA's while at the house.

Assistant United States Attorney Jimmy Leo was advised of the HSI McAllen alien smuggling investigation. AUSA LEO accepted prosecution of FERNANDEZ-Fonseca and CRUZ-Hernandez for violations of Title 8 United States Code (USC) 1324, Alien Smuggling.